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January 11, 2017
via electronic filing

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, D.C. 20554

Re: Petition for Waiver of Accessible User Interfaces Requirements of Honda Motor Co., Ltd
MB Docket No. 12-108

Dear Ms. Dortch:

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Hearing Loss Association of America (HLAA), Communication Service for the Deaf, Inc. (CSD), Deaf Seniors of America, Cerebral Palsy and Deaf Organization, National Association of State Agencies of the Deaf and Hard of Hearing, Inc., Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University (DHH-RERC), American Foundation for the Blind (AFB), and American Council of the Blind (ACB) (collectively “Consumer Groups and DHH-RERC”), respectfully comment on the December 20, 2016 Petition for Limited Waiver of Honda Motor Co., Ltd. Filed on Behalf of All Its Affiliates and Subsidiaries (“Honda Petition”),¹ in response to the Federal Communications Commission’s (the “Commission” or “FCC”) December 22, 2016 Request for Comments.²

¹ Petition for Limited Waiver of Honda Motor Co., Ltd. Filed on behalf of All Its Affiliates and Subsidiaries, MB Dkt. No. 12-108 (Dec. 20, 2016) (“Honda Petition”).

² Media Bureau Seeks Comment on Petition for Waiver of Accessible User Interfaces Requirements of Honda Motor Co., Ltd., MB Dkt. No. 12-108 (rel. Dec. 22, 2016).

Consumer Groups and DHH-RERC appreciate Honda's expressed support for the accessibility requirements of Section 204 of the Twenty-First Century Communications and Video Accessibility Act ("CVAA"), as well as its assurance that it "fully intends to offer" options of its rear entertainment system ("RES") "that achieve the functionality sought by the [CVAA]."³ Although we are concerned that the accessibility features required by the CVAA were not included in the original design of Honda's RES so that it would meet the requirements of the CVAA by the December 20, 2016 deadline,⁴ we appreciate Honda's expressed commitment to taking steps to ensure that its RES on-screen text menus or other visual indicators are accompanied by audio outputs so that they are accessible to individuals who are blind or visually impaired, as required by the CVAA.⁵

However, we stress that the CVAA and the Commission's rules also subject Honda to additional requirements that ensure that digital apparatus, such as Honda's RES,⁶ are accessible to individuals with disabilities, including those who are deaf or hard of hearing and those who are blind or visually impaired. Honda must account for the effect of these requirements on its RES and, if granted, must ensure that each of these requirements is met if it is to fulfill its assurance that "all future Honda and Acura vehicles launched after the expiration of the waiver will achieve Section 204 functionality."⁷

Specifically, in addition to requirements concerning audio output for on-screen menus, the Commission's rules also provide that manufacturers of digital apparatus with built-in closed captioning and video description capability must ensure that these functions "can be activated through a mechanism that is reasonably comparable to a button, key, or icon."⁸ Honda notes in its petition that current "versions of RES look and function like a DVD and Blu Ray player," and that "[f]uture versions of RES soon to be offered to consumers will have increased functionality related to video content."⁹ Honda must account for how its activation mechanism obligations will be implicated by these functionality changes (e.g. how closed captioning and video description will be activated if a system incorporates a touch screen instead of a remote).

³ Honda Petition at 2.

⁴ See 47 CFR §§79.107(b), 79.109(c).

⁵ See CVAA §204(a)(2), 47 CFR §79.107(a)(2) ("If on-screen text menus or other visual indicators built in to the digital apparatus are used to access the appropriate built-in apparatus functions, manufacturers of the digital apparatus must ensure that those functions are accompanied by audio output that is either integrated or peripheral to the digital apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or visually impaired in real time.").

⁶ The definition of "digital apparatus" includes "the physical device and the video player(s) capable of displaying video programming transmitted in digital format simultaneously with sound that manufacturers install into the devices they manufacture before sale, whether in the form of hardware, software, or a combination of both" 47 CFR §79.107(a)(1).

⁷ Honda Petition at 11.

⁸ 47 CFR §79.109(a)(1)-(2); *see also* CVAA §204(a)(3).

⁹ Honda Petition at 6.

In addition, the Commission's rules require manufacturers to ensure that individuals with disabilities are aware of the availability of accessible devices, and that consumers have ready access to information and the necessary support to ensure that they are able to operate them.¹⁰ Full compliance with the CVAA and the Commission's rules must include providing this necessary documentation, training, outreach, and support.

If the FCC is inclined to grant Honda's waiver request, Consumer Groups and DHH-RERC urge the Commission to first ensure that Honda acknowledges the full breadth of its obligations under the CVAA, including by accounting for those obligations in its outlined implementation plan. We also urge the Commission to require status reports as part of any waiver that is granted, which Honda has offered to submit, which would account for progress toward meeting all of these obligations.

Finally, if the waiver is granted, we urge the Commission to make clear that being unaware of accessibility obligations does not constitute "good cause" or grounds for a waiver, and that only compelling special circumstances will be accommodated through very limited waivers in order to bring devices into compliance.

Respectfully submitted,

/s/

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¹⁰ See 47 CFR §79.107(d)-(e).

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